

§ 947.141

products the name of any person who fails to comply with the safeguard requirements of this part.

[39 FR 2271, Jan. 18, 1974, as amended at 39 FR 31880, Sept. 3, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.134 was suspended indefinitely, effective July 1, 2000.

§ 947.141 Late payment and interest charges.

The committee shall impose a late payment charge on any handler who fails to pay his or her assessment within thirty (30) days of the billing date shown on the handler's assessment statement received from the committee. The late payment charge shall, after 30 days, be five percent of the unpaid assessment balance. In the event the handler fails to pay the delinquent assessment amount, plus the late payment charge, within 60 days following the billing date, an additional one percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated interest. Any amount paid by a handler as an assessment, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the committee office.

[59 FR 48784, Sept. 23, 1994]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.141 was suspended, effective July 1, 2000.

REESTABLISHMENT OF DISTRICTS

§ 947.150 Reestablishment of districts.

Pursuant to § 947.32(b) and the recommendation of the Oregon-California Potato Committee, the counties of Jackson and Josephine in the State of Oregon (currently a portion of District No. 3) are reestablished as a part of District No. 2. Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

[33 FR 14229, Sept. 20, 1968]

§ 947.160 Reapportionment of committee membership.

(a) Pursuant to § 947.32(b), the membership of the Oregon-California Potato Committee shall be apportioned among the districts so as to provide the fol-

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lowing representation: (1) Producer membership—two members from each of Districts No. 2 and No. 5; three members from District No. 4; and one member from each of Districts No. 1 and No. 3; (2) Handler membership—one member from each of Districts No. 1, No. 2, No. 3, No. 4, and No. 5. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

[39 FR 30825, Aug. 26, 1974]

REPORTS

Subpart—Assessment Rates

§ 947.247 Assessment rate.

On and after July 1, 1997, an assessment rate of \$0.004 per hundredweight is established for Oregon-California potatoes.

[61 FR 27248, May 31, 1996, as amended at 62 FR 27171, May 19, 1997]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.247 was suspended, effective July 1, 2000.

Subpart—Handling Regulations

§ 947.340 Handling regulation.

No person shall handle any variety of potatoes grown in the production area, except for non-white fleshed varieties of potatoes, unless such potatoes meet the requirements specified in paragraphs (a) through (f) of this section, or unless such potatoes are handled in accordance with paragraphs (g) and (h), or (i) of this section.

(a) *Grade requirements.* Such potatoes grade at least U.S. No. 2.

(b) *Size requirements.* (1) Such potatoes shipped to points within the continental United States shall be at least 2 inches in diameter or weigh at least 4 ounces, and such potatoes shipped to export destinations shall be at least 1½ inches in diameter.

(2) Red-skinned varieties of potatoes may be shipped without regard to any minimum size requirement, if they otherwise grade at least U.S. No. 1.

(3) All non-red-skinned varieties of potatoes that measure $1\frac{3}{4}$ inches in diameter or less may be shipped if such potatoes otherwise grade at least U.S. No. 1.

(c) *Cleanliness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than “slightly dirty.”

(d) *Maturity (skinning) requirements.* (1) Round and White Rose varieties: not more than “moderately skinned.”

(2) Other Long Varieties (including but not limited to Russet Burbank and Norgold): not more than “slightly skinned.”

(3) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in cartons shall be either: (1) U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, or not more than 5 percent serious damage by internal defects; or (2) U.S. No. 2 potatoes weighing at least 10 ounces.

(f) *Inspection.* (1) Except when relieved by paragraphs (g) and (h), or (i) of this section and paragraph (f)(2) of this section, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Handlers making shipments from facilities located in an area where inspection costs would otherwise exceed one and one-half times the current per-hundredweight inspection fee, are exempt from on-site inspection provided such handler has made application to the committee for inspection exemption on forms supplied by the committee, and provided further that such handler signs an agreement with the committee to report each shipment on a daily basis and pay the committee a

sum equal to the current inspection fee.

(3) For the purpose of operation under this part each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days plus the number of days that the potatoes were held in refrigerated storage.

(4) Any lot of potatoes previously inspected pursuant to § 947.60 and certified as meeting the requirements of this part is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking of the potatoes.

(g) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, pack and inspection requirements set forth in paragraphs (a) through (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph (h) of this section.

(2) Livestock feed: However, potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown: Further, potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Between districts within the production area for grading or storing. In addition, potatoes grown in District No. 5 may be shipped for grading and storing to points in the counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, without regard to the safeguard provisions of paragraph (h) of this section.

(5) Charity: Except that shipments for charity may not be resold if they do not meet the requirements of the marketing order, and that shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing" (except starch manufacturing) as hereinafter defined (including storage for such purposes).

(h) *Safeguards.* (1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) of this section shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on Special Purpose Shipment Report forms.

(2) Each handler making shipments of potatoes pursuant to paragraphs (g)(2) and (g)(5) of this section shall obtain a Certificate of Privilege from the committee, and shall report shipments on Special Purpose Shipment Report forms at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to paragraph (g)(7) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee pursuant to § 947.134. Further, each handler making such shipments shall obtain a Certificate of Privilege from the committee and shall promptly report each shipment to the committee on Special Purpose Shipment Report forms.

(i) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part except no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d) and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) *Definitions.* (1) The terms *U.S. No. 1*, *U.S. Commercial*, *U.S. No. 2*, *Size B*, *moderately skinned* and *slightly skinned* shall have the same meaning as when

used in the United States Standards for Grades of Potatoes (7 CFR 51.1540-51.1566) including the tolerances set forth therein.

(2) The term *slightly dirty* means potatoes that are not damaged by dirt.

(3) The term *prepeeling* means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422, United States Standards for Grades of Peeled Potatoes (7 CFR 52.2421-52.2433).

(4) The term *other processing* has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing."

(5) The term *non-white fleshed potatoes* means all colored fleshed varieties of potatoes other than white-fleshed varieties of potatoes.

(6) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

[53 FR 2996, Feb. 3, 1988, as amended at 53 FR 49114, Dec. 6, 1988; 54 FR 46718, Nov. 7, 1989; 56 FR 55986, Oct. 31, 1991; 57 FR 24542, June 10, 1992; 58 FR 33019, June 15, 1993]

EFFECTIVE DATE NOTE: At 64 FR 34117, June 25, 1999, § 947.340 was suspended, effective July 1, 1999, through June 30, 2000. At 65 FR 42278, July 10, 2000, § 947.340 was further suspended, effective July 1, 2000.

EDITORIAL NOTE: After Jan. 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (i.e. sections .200 through .299) and "Handling" regulations (i.e. sections .300 through .399), which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.